

RESOLUTION NO.: 2019-30

A RESOLUTION AUTHORIZING THE MOUNTAIN ARTS COMMUNITY CENTER (MACC) BOARD TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE PRINCIPAL AGENTS OF THE SIGNAL MOUNTAIN ELEMENTARY PRESERVATION FUND (SMEPF), ESTABLISHING PROCEDURES FOR THE SMEPF BOARD HOLDING FUNDS FOR AND ON THE BEHALF OF THE MACC BOARD

WHEREAS, the Mountain Arts Community Center (MACC) Board is an advisory board for the Town of Signal Mountain and members of said board are appointed by the Signal Mountain Town Council; and,

WHEREAS, the MACC Board receives monetary donations for the benefit of the MACC operation and programs and/or the facility in which it operates; and,

WHEREAS, the MACC Board has historically contracted with the Community Foundation of Greater Chattanooga to hold donated funds and, accordingly, has been required to pay a fee for said services; and,

WHEREAS, the Signal Mountain Elementary Preservation Fund (SMEPF) is a 501c3 charitable organization registered with the State of Tennessee and is permitted to receive tax-exempt contributions, donations, and grants under the laws of the State of Tennessee and the United States of America to support fund raising activities within this community; and,

WHEREAS, the SMEPF has offered to hold MACC Board funds with no associated fees or other costs being assessed to the MACC Board; and,

WHEREAS, the Town Attorney has drafted and the SMEPF and MACC Boards have approved a Memorandum of Agreement (MOA) establishing and detailing this relationship;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, that the officers of the MACC Board be and are hereby authorized to enter into a Memorandum of Agreement with the principle agents of the Signal Mountain Elementary Preservation Fund, establishing procedures for SMEPF holding funds for and on behalf of the MACC Board.



Dan Landrum, Mayor



Recorder

6-24-19

Date

6-24-19

Date

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement (the “MOA”) is made this ____ day of _____, 2019, by and between the Mountain Arts Community Center Board (the “Board”), a Board established by the Town of Signal Mountain to act in an advisory capacity to the MACC Director, the Town Manager and the Town Council to provide and facilitate artistic, cultural, civic and educational activities that foster personal growth and benefit the community, and the SME Preservation Fund f/k/a Mountain Arts Community Center, a Tennessee nonprofit corporation (“SMEPF”), to allow SMEPF to hold funds belonging to the Board as described herein.

WHEREAS, The Board has collected certain funds (the “Funds”) which are currently held by the Community Foundation of Greater Chattanooga (the “Foundation”), subject to certain fees and requirements owed to the Foundation; and

WHEREAS, the Board desires to withdraw the Funds from the Foundation to avoid the expense associated therewith; and

WHEREAS, SMEPF has a banking relationship in Hamilton County, Tennessee and is willing to hold the Funds for the exclusive use of the Board.

NOW, THEREFORE, the parties hereto agree as follows:

1. The Funds shall be held in an interest bearing account separate and apart from other funds held or belonging to SMEPF.
2. The Funds shall not be disbursed from the account except by written authorization from an officer of the Board and SMEPF shall take all steps reasonably necessary to insure that the Funds are not disbursed without such authorization.
3. SMEPF shall hold the Funds until they are withdrawn upon written request by an officer of the Board and shall provide the Board with a bank statement on a monthly basis.

4. This Agreement shall be in full force and effect until terminated by either party in writing.

5. This Agreement constitutes the entire understanding of the parties and no representations or promises have been made that are not fully set forth in this Agreement. The parties understand and agree that no modification of this Memorandum of Agreement will be binding unless the modification is in writing, duly accepted and executed by both parties.

Approved by Signal Mountain Town Council by Resolution # _____

Executed on the date first written above.

MOUNTAIN ARTS COMMUNITY CENTER BOARD

By: _____

Title: _____

SME PRESERVATION FUND

By: _____

Title: _____